

United States Courts  
Southern District of Texas

FILED

March 10, 2022

Nathan Ochsner, Clerk of Court

**United States Court of Appeals  
for the Fifth Circuit**

United States Court of Appeals  
Fifth Circuit

**FILED**

March 10, 2022

Lyle W. Cayce  
Clerk

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No. 21-20651

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MERCEDES TERRELL; JESSICA GOLDEN, *also known as* JESSE  
GOLDEN; SARA UNDERWOOD; JESSICA BURCIAGA; IRINA  
VORONINA; BROOKE MARRIN, *also known as Brooke Banx*; ROSA  
ACOSTA,

*Plaintiffs—Appellants,*

*versus*

CHICAS ENTERTAINMENT, L.L.C., *doing business as* CHICAS  
CABARET,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:21-CV-277

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Before SMITH, HIGGINSON, AND WILLETT, *Circuit Judges.*

PER CURIAM:

We must always examine the basis of our jurisdiction, on our own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). In this Lanham Act case, the district court dismissed multiple claims

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on November 4, 2021, but left other claims against Defendant pending. Plaintiffs filed a notice of appeal from that order.

We have jurisdiction over appeals from final decisions of the district courts. 28 U.S.C. § 1291. But when an action involves multiple parties or claims, as in this case, an order dismissing some of the claims or defendants is final for appellate purposes only if the district court has made an express determination that there is no just reason for delay and an express direction for the entry of judgment, *see* FED. R. CIV. P. 54(b), or certifies the case for immediate appeal pursuant to 28 U.S.C. § 1292(b). Here, the district court dismissed some claims but left other claims against Defendant pending. It did not enter the certification required by either Rule 54(b) or § 1292(b). Thus, the notice of appeal that was filed—before all claims and all parties were disposed of—is premature. We therefore lack jurisdiction over this appeal, and it must be dismissed. *See Borne v. A&P Boat Rentals No. 4, Inc.*, 755 F.2d 1131, 1133 (5th Cir. 1985).

Accordingly, the appeal is DISMISSED for want of jurisdiction.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

March 10, 2022

Mr. Nathan Ochsner  
Southern District of Texas, Houston  
United States District Court  
515 Rusk Street  
Room 5300  
Houston, TX 77002

No. 21-20651      Terrell v. Chicas Entmt  
USDC No. 4:21-CV-277

Dear Mr. Ochsner,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

*Christina Rachal*

By: \_\_\_\_\_  
Christina C. Rachal, Deputy Clerk  
504-310-7651

cc:

Mr. Dennis Curt Postiglione  
Mr. Casey T. Wallace